

# Competency Commissions and Indian Land Policy, 1913-1920

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In the early twentieth century, federal Indian policy was based on the assumption that the Indians could and should become self-supporting, independent members of mainstream white society. An increasing number of Americans were demanding that the government relieve itself of its trust responsibility. With his appointment as Woodrow Wilson's secretary of interior in 1913, Franklin Knight Lane became responsible for transforming the Indians into industrious citizens, free from government supervision. Lane established a special commission to determine which Indians were competent to manage their own affairs so that they could be released from government control. This well-intentioned policy of using competency commissions to evaluate the Indians in their own surroundings was intended to promote Indian self-support and independence. Instead, the policy led to the pauperization of the Indians and the disintegration of the Indian estate.

Under the Dawes Act in 1887, the government had divided Indian reservations into individual allotments, but it still held the title to that land in trust, tax free, for twenty-five years to protect the Indian while he learned to support himself. At the end of the trust period, the government issued a fee simple patent, a

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deed of ownership, to the Indian for his land and released him from guardianship. The Burke Act of 1906 authorized the secretary of interior to issue fee patents to the Indians before their trust periods expired if he believed they were competent to manage their own affairs. The Indian would submit his application for a fee patent to the local superintendent. After thirty days, the superintendent would forward the application to the commissioner of Indian affairs, along with a report about the Indian's competency.<sup>1</sup> The Burke Act thus created a potentially dangerous situation in which an Indian could be released from guardianship before he was able to support himself.

Lane was anxious to take advantage of the authority provided in the Burke Act and to accelerate the process of issuing fee patents; in 1914, therefore, he suggested to Commissioner of Indian Affairs Cato Sells that the government create a commission to determine competency. He added that the Flathead reservation in Montana might be a good place for such a commission to begin work and that it should include Major James McLaughlin, the local superintendent, and an Indian agreed upon by both of them.<sup>2</sup> The plan was not new. In 1910, Commissioner of Indian Affairs Robert Valentine had established a competency commission on the Omaha reservation in Nebraska and had arranged for similar commissions on other reservations.<sup>3</sup>

Sells enthusiastically endorsed Lane's plan because he too believe qualified Indians should be declared competent and removed from the government's care. "I believe you have grasped the basic idea of the 'Indian problem,'" he told Lane,

1. U.S., *Statutes at Large*, vol. 24, pp. 388-89, the Dawes Act, 8 Feb. 1887, and *ibid.*, vol. 35, pp. 182-183, the Burke Act, 8 May 1906; U.S., Department of the Interior, Office of Indian Affairs, *Rules and Regulations Relating to the Issuance of Patents in Fee and Certificates of Competency and the Sale of Allotted and Inherited Lands*, 12 Oct. 1910 (Washington, D.C.: Government Printing Office, 1910), p. 5.

2. Franklin Lane to Cato Sells, 12 June 1914, Central Classified Files, 5-6, Indian Office, General, Competent Indians, General, Records of the Secretary of the Interior, Record Group 48, National Archives, Washington, D.C. (hereafter cited as SI-CCF, 5-6, RG 48, NA).

3. Robert Valentine, "Making Good Indians," *Sunset* 24, (1910): 600. For a brief account of competency work, see Angie Debo, *And Still the Waters Run* (Princeton: Princeton University Press, 1940), and Frederick E. Hoxie, "Beyond Savagery: The Campaign to Assimilate the American Indians, 1880-1920" (Ph.D. diss., Brandeis University, 1977).

"and that the plan proposed offers hope for permanent and satisfactory results." Sells agreed that the Flathead reservation would be a good place to test the plan.<sup>4</sup>

Lane and Sells were not alone in perceiving the need for a competency commission. In 1914, the Indian Rights Association, an influential reform organization founded in 1882, suggested that Congress authorize a commission to determine the Indian's fitness for citizenship—a permanent body, with numerous branches in the field to prevent needless delay. The association argued that, given the opportunity, the Indians would successfully assume the responsibilities of self-support and citizenship.<sup>5</sup>

On 8 April 1915, Lane ordered several local superintendents to assist Major James McLaughlin and Frank A. Thackery in a preliminary survey of their reservations to determine which Indians were competent. With the local superintendent, these commissioners studied a list of the Indians living on the reservation, questioned the Indians, visited their homes, and determined whether they were qualified to handle their own affairs and receive fee patents. The commission used literacy and self-sufficiency as the general criteria for its evaluation and submitted the names of those it found competent to the secretary for the removal of restrictions.<sup>6</sup>

The commission members were well qualified and experienced. McLaughlin had been involved in Indian affairs since 1871, first as an agent in the Indian Service and then as an inspector in the Interior Department. Thackery had taught for many years at various Indian schools and had served since 1912 as superintendent of the Pima and Maricopa agency. The Indian Rights Association praised Thackery's fair and efficient handling

4. Sells to Lane, 14 Dec. 1914, Central Classified Files, Flathead, 13298-14-150, Records of the Bureau of Indian Affairs, Record Group 75, National Archives (hereafter cited as BIA-CCF, RG 75, NA).

5. Indian Rights Association, *Thirty-Second Annual Report*, 1914, pp. 18-19, Indian Rights Association Papers, Historical Society of Pennsylvania, Philadelphia, Pa., microfilm ed. (reel 103, D32).

6. Lane, "To Whom It May Concern," 8 Apr. 1915, Major James McLaughlin Papers, Assumption Abbey Archives, Richardton, North Dakota, microfilm ed. (reel 6, frame 71); U.S., Congress, House, Committee on Indian Affairs, *Indian Appropriation Bill, 1917*, II, Hearings on H.R. 10385, 64th Cong., 1st sess., 1916, pp. 27-28; Lane to Curtis, 2 Feb. 1920, BIA-CCF, General Services, 45100-19-013, RG 75, NA.



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of Pima affairs and saw his appointment to the competency commission as well-deserved recognition of his ability.<sup>7</sup>

Sells was convinced that the experience of McLaughlin and Thackery would ensure the commission's success, and he hoped

7. Indian Office Memorandum, "To Whom It May Concern," n.d., SI-CCF, 5-6, RG 48, NA; Carl E. Grammer to Lane, Sept. 1915, Indian Rights Association Papers (reel 30). For a biography of McLaughlin and an account of his work with the competency commissions, see Louis B. Pfaller, *James McLaughlin: The Man with the Indian Heart* (New York: Vantage Press, 1978). See also James McLaughlin, *My Friend the Indian* (Boston: Houghton Mifflin Co., 1910).



*Major James McLaughlin*

the Indians would benefit, both as individuals and as tribes.<sup>8</sup> The Board of Indian Commissioners, the government's advisory body on Indian affairs, reported with pleasure that two of the most experienced and best known men in the Indian Service, McLaughlin and Thackery, had been appointed as permanent members of the commission. The board applauded the assignment of men of "seasoned judgment" who knew the Indian character. More important, it added, the creation of the commission demonstrated that Lane intended to fulfill his earlier pledge to free all competent Indians from restriction. Finally, the board hoped that the plan would go far enough to force competency on qualified Indians.<sup>9</sup>

With such strong support, Lane decided to expand competency work. In January 1916, he gave McLaughlin his own commission and assigned him a new partner, O. M. McPherson, a former post office inspector and special Indian agent.<sup>10</sup> Still dissatisfied, in March Lane asked Congress for more money. He explained that he wanted to put more men in the field soon "to undertake it as a very serious part of our Indian work."<sup>11</sup> A few months later, he appointed McPherson to head a third commission and made the superintendent of Seger agency, Walter Small, McLaughlin's new partner.<sup>12</sup>

Lane's expansion of competency work proved effective, for by 1 June 1916, 576 fee patents had been issued on the recommendation of the competency commissions. The regular progress reports sent to Lane from the field indicated rigorous schedules. In September and October 1916, for example, McLaughlin visited the following reservations: Fort Berthold, North Dakota; Crow Creek and Lower Brule, South Dakota; Shoshone, Wyoming; Crow, Montana; and Fort Hall and Coeur d'Alene, Idaho. By September 1916, the competency commissions

8. U. S., Department of the Interior, Office of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior, 1915* (Washington, D.C.: Government Printing Office, 1916), p. 25.

9. U.S., Department of the Interior, Board of Indian Commissioners, *Forty-Sixth Annual Report of the Board of Indian Commissioners to the Secretary of the Interior for the Fiscal Year Ended June 30, 1915* (Washington, D.C.: Government Printing Office, 1915), pp. 7-8.

10. McLaughlin to Joseph H. Norris, 25 Mar. 1916, McLaughlin Papers (reel 6, frame 756); Indian Office Memorandum, "To Whom It May Concern," n.d.

11. Lane to John H. Stephens, 8 Mar. 1916, SI-CCF, 5-6, RG 48, NA.

12. McLaughlin to Evan W. Estep, 7 June 1916, McLaughlin Papers (reel 7, frame 110).

had made reports on the Cheyenne River, Coeur d'Alene, Crow, Flathead, Fort Hall, Fort Peck, Fort Totten, Santee, Sac and Fox, Shawnee, Shoshone, Sisseton, Standing Rock, Umatilla, Yankton, and Fort Berthold reservations. They had delivered patents on seven of these reservations.<sup>13</sup>

To the commissions, then, fell the responsibility for delivering the issued patents as well as for recommending Indians for the fee patents. In 1916, Lane decided to make the delivery of patents a special event. With McLaughlin's help, he devised an outdoor ceremony to impress upon the Indians the importance of citizenship and to dramatize the change occurring in their lives.<sup>14</sup> During the colorful ritual, each Indian who was to receive a patent and citizenship stepped from a tepee and shot an arrow to signify that he was leaving behind his Indian way of life. He placed his hands on a plow to show that he had chosen to live the farming life of a white man, with sweat and hard work. The secretary of the interior then handed the Indian a purse as a reminder that he must save what he earned.

As the secretary took up the American flag and held it with the Indian, the Indian repeated these words: "Forasmuch as the President has said that I am worthy to be a citizen of the United States, I now promise this flag that I will give my hands, my head, and my heart to the doing of all that will make me a true American citizen." Finally, the secretary pinned on the recipient a badge decorated with the American eagle and the national colors, the emblem of citizenship. The badge was to remind the Indian always to act in a way that would make the flag proud.<sup>15</sup>

The first ceremony was scheduled for 9:00 a.m. on 13 May at Greenwood on the Yankton reservation in South Dakota. This agency was chosen because more Indians were reportedly ready for citizenship there than at other reservations and because it

13. U.S., Department of the Interior, Office of the Secretary, *Report of the Secretary of the Interior, in Reports of the Department of the Interior for the Fiscal Year Ended June 30, 1916*, 2 vols. (Washington, D.C.: Government Printing Office, 1917), 1:27; *Report of the Commissioner of Indian Affairs, 1916*, p. 49; McLaughlin to Lane, 9, 16, 23 Sept. and 14 Oct. 1916, and Indian Office Memorandum to Mr. Schaffer, 15 Sept. 1916, all in SI-CCF, 5-6, RG 48, NA.

14. F. A. Meyer to Joe Chapple, 25 Aug. 1916, SI-CCF, 5-6, RG 48, NA; Lane to McLaughlin, 2 Sept. 1915, McLaughlin Papers (reel 6, frames 224-25).

15. Lane to H. B. Broughan, 20 May 1916, in Franklin Lane, *The Letters of Franklin Lane*, ed. Anne W. Lane and Louise H. Wall (Boston: Houghton Mifflin Co., 1922), pp. 208-10.





*The ceremony for the delivery of fee patents at Timber Lake, South Dakota, included, from left, a Washington dignitary, William Swan, James McLaughlin, Harry Lemerck, and Charles La Plant.*

would be convenient for Lane.<sup>16</sup> Several Yankton Indians invited Lane to attend. "We wish you to see with your own eyes," they explained, "the strides of progress and civilization we have made in the last few years, and to assure yourself that the step you are now taking in releasing a number of us from Government supervision is not a mistake."<sup>17</sup>

When Lane arrived at Greenwood for the ceremony, he found that many of the prospective patentees had already agreed to sell their land. After hours of investigation, Lane withdrew the names of twenty-five Indians who were to receive patents, and the ceremony proceeded as planned. McLaughlin was disappointed that so many had sold their land, but he was not totally discouraged because he believed that these Indians would be forced to hustle for a living and would become stronger than if kept under guardianship.<sup>18</sup>

The three-hour ceremony took place on the agency lawn where a tepee had been erected near the speaker's stand. Despite bad

16. McLaughlin to Fred C. Morgan, 2 May 1916, McLaughlin Papers (reel 7, frame 2).

17. Meyer to Chapple, 25 Aug. 1916.

18. McLaughlin to O. M. McPherson, 9 June 1916, McLaughlin Papers (reel 7, frames 78-79).

weather, two thousand people, a motion picture company, and three reporters looked on as Lane handed patents to approximately two hundred Indians. Lane noted that the impressive ceremony was taken seriously by the Indians, and he was so pleased with the results that he suggested a similar ceremony be used in granting citizenship to foreigners.<sup>19</sup> Ceremonies on other reservations soon followed, and neighboring whites and local officials often attended. At Timberlake on the Cheyenne River reservation, schools and businesses were closed so that the townspeople could attend. On the Crow reservation, the ceremony took the form of a holiday. Occasionally, musical groups, ranging from a "cowboy band" to a seventeen piece Indian band, added to the festivity of the event.<sup>20</sup>

Yet, serious problems hampered the work of the competency commissions. The commissioners had to travel long distances, often over rough terrain, to reach the Indians. McPherson spent an entire week in the field in Oklahoma with only three applications to show for his efforts. Thackery traveled about seven hundred miles in one week to visit restricted allottees. Poor weather often aggravated the transportation problem. McLaughlin was unable to travel by train from Trail City to Faith on the Cheyenne River reservation because of rain and the resulting washouts along the railroad tracks. Muddy roads and high water in many creek beds prevented travel by team conveyance, and many Indians could not reach either of the points on the reservation where McLaughlin was delivering patents. Another time, flooding along the Missouri River forced McLaughlin to take a long detour between the Yankton and Santee reservations.<sup>21</sup>

Competency work also suffered because the commissioners were sloppy in performing their duties and at times abused their powers. Competency commissioner John R. Wise, for example, heard an ordinary competency case in fifteen to thirty minutes

19. Ibid.; Telegram, to James Keeley, n.d., SI-CCF, 5-6, RG 48, NA; Lane to Broughan, 20 May 1916.

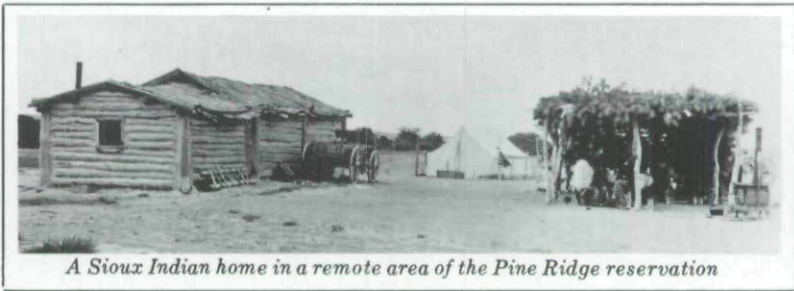
20. McLaughlin to Lane, 10 June and 29 May 1916, and McPherson to Lane, 8 Dec. 1916, all in SI-CCF, 5-6, RG 48, NA; Superintendents' Annual Narrative Reports, Crow agency, 1917, p. 70, Records of the Bureau of Indian Affairs, RG 75, NA, microfilm ed. (reel 30).

21. McPherson to Lane, 9 July 1916, Thackery to Lane, 15 July 1916, McLaughlin to Lane, 29 May 1916, and Lane to McPherson, 23 Feb. 1917, all in SI-CCF, 5-6, RG 48, NA; McLaughlin to Lane, 20 Mar. 1916, McLaughlin Papers (reel 6, frame 730).



and, on rare occasion, heard twenty to twenty-five cases a day. He did not require that Indians have any education to qualify for competency, nor did he know what happened to the Indians after they received their patents, for the Indian Office had no further contact with the Indians and kept no record.<sup>22</sup> The competency commission in the Dakotas reportedly made full citizens of many unqualified Indians who immediately after sold their land, squandered the proceeds, and became destitute.<sup>23</sup>

Commissioners were lax in visiting Indians with trust patents who were still under government restriction. McLaughlin found that 90 percent of the Creeks he visited in Oklahoma were incompetent and concluded that it was a waste of time and money to visit the home of every restricted Indian as the Indian Office instructed. Under the instructions, he would have to travel long distances over bad roads, sometimes on foot, to reach Indians



*A Sioux Indian home in a remote area of the Pine Ridge reservation*

who could not read, write, or speak English. Nevertheless, McLaughlin's plan to make competency decisions without actually visiting the Indians involved was unfair and dangerous. Perhaps Lane realized this, for he upheld the instructions and ordered McLaughlin to visit each restricted Indian, no matter how long it took.<sup>24</sup>

Oklahomans charged that McPherson investigated only those Indians who the field clerk suggested were competent rather

22. U.S., Congress, House, Committee on Indian Affairs, *Indians of the United States*, Hearings, III, *Investigation of the Field Service*, 66th Cong., 3d sess., 1920, pp. 62, 74.

23. Malcolm McDowell to Hugh Scott, 16 May 1919, Box 49, Hugh Lenox Scott Papers, Manuscripts Division, Library of Congress, Washington, D.C.

24. McLaughlin to Lane, 19 Oct. 1918, and Lane to McLaughlin, 1 Nov. 1918, McLaughlin Papers (reel 10, frames 165-67, 232-34).

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than visiting all of them. Lane sternly reminded McPherson that the only "safe" way to determine competency was to "thoroughly canvass" his territory and examine everyone. McPherson, however, claimed that he had acted conscientiously in every case. Only half of the Indians he visited were recommended for removal of restrictions, which fact, he said, indicated that he had given all of the probable candidates careful consideration. Nevertheless, he promised in the future to visit personally each restricted allottee.<sup>25</sup>

Despite this promise, when McPherson began competency work at the Kiowa agency in Oklahoma, he refused to make a house-to-house canvass of the restricted Indians and decided instead to closely investigate only those with a reasonable degree of competency. The Kiowa Indians, he explained, were just beginning to emerge from the "blanket state." Eighty percent of the males wore long hair and many wore ear ornaments, and fewer than 25 percent of the adult allottees spoke English. Therefore, he decided to convene the restricted Indians together at a central location, where the commission met with the Indians and explained the purpose of its visit. Indians who spoke no English and seemed backward were given a brief examination, but Indians who seemed competent were examined at length and visited in their homes. Only twelve of the five hundred Indians interviewed signed applications for fee patents. McPherson sadly concluded that the competency work there was premature and should be postponed for nine or ten years.<sup>26</sup>

Not all the Indians whom the commissions declared competent were willing to apply for or to accept fee patents. Lane, however, was firm. He ordered McPherson to discriminate carefully between competent Indians and noncompetent ones, but to be sure to submit the names of the competent ones who had not applied for fee patents. These resistant Indians were, he explained, "the very ones we should be sure to get." McPherson replied that he carefully investigated the recalcitrant Indians as instructed, but he also warned Lane that the list of those who refused to sign applications would be much longer than the list of those who did.<sup>27</sup>

25. Lane to McPherson, 17 Aug. 1916, and McPherson to Lane, 22 Aug. 1916, SI-CCF, 5-6, RG 48, NA.

26. McPherson to Lane, 1 June 1917, *ibid.*

27. Lane to McPherson, 2 June 1916, and McPherson to Lane, 6 June 1916, *ibid.*



Under pressure to "free" the Indians quickly, the commissions often forced patents on unqualified Indians. Chief Rush Roberts, president of the Pawnee Tribal Council, for example, informed the competency commission through an interpreter that he could not read, write, or speak English and that he did not want a fee patent. The commission issued the patent anyway. When Roberts protested that the Pawnees were not ready for fee patents, he was ignored. Few of the Pawnees retained their land after the commission finished its work.<sup>28</sup> An Iowa Indian from Perkins, Oklahoma, described a similar experience. "Well, there was a party of people like you people came here," he told a Senate investigating committee, "and just picked me out and said I was a competent Indian and I know I was not but they just said I had to take the medicine with the rest of the boys that was picked out and I took it." He charged that the commission selected the names of prospective patentees from the agency records and did not examine them individually.<sup>29</sup> When a competency commission went through Delaware County in Oklahoma in 1916, it removed restrictions over the objections of the Indians. Only one of the ten to twelve Indians involved was actually competent, and all of the patentees quickly sold or mortgaged their land.<sup>30</sup>

In 1920, competency commissioner Wise testified that he forced patents on resistant Indians in other parts of the country but was reluctant to do so with the Five Civilized Tribes of Oklahoma because the government had promised to hold the land in trust, tax free, for a certain period. The House Committee on Indian Affairs warned Wise that only by cooperating with Congress in removing restrictions could the Indian Office refute the charge that it was keeping competent people under guardianship so it could stay in operation indefinitely. Committee chairman Homer Snyder reiterated that Congress wanted competent Indians declared so, no matter how they felt. Wise quickly replied that his hesitation about issuing patents had been only temporary and did not affect the results.<sup>31</sup>

Some Indians, such as those on the Klamath and Fort Berthold reservations, resisted fee patents because they could not afford

28. U.S., Congress, Senate, Committee on Indian Affairs, *Survey of the Condition of the Indians in the United States*, Hearings before a Subcommittee Pursuant to S. Res. 79, S. Res. 308, S. Res. 263, part 15, *Oklahoma*, 71st Cong., 3d sess., 17-22 Nov. 1930, pp. 7006, 7010.

29. *Ibid.*, pp. 7170-71.

30. *Ibid.*, part 14, *Oklahoma*, 71st Cong., 2d sess., 10-15 Nov. 1930, pp. 5994-95.

31. U.S., House, *Investigation of the Field Service*, 1920, pp. 58-74.



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or did not want to pay taxes on their land.<sup>32</sup> Other Indians sincerely feared the harmful effects of removing restrictions. Such was the case on the Umatilla reservation in Oregon. The Umatilla superintendent warned the Indian Office not to hold a citizenship ceremony because the Indians opposed fee patents and had refused to sign their applications. Upon hearing this, Lane abandoned plans for the ritual and instructed the superintendent to hand the patents to the Indians personally. If an Indian refused to accept his patent, the superintendent was to send it by registered mail and to inform the tax collector that it had been issued.<sup>33</sup>

To deliver patents by registered mail was Lane's standard policy with Indians whose fee patents were issued arbitrarily and who might not accept them. Lane would not let a qualified Indian avoid the responsibilities of citizenship by simply refusing to accept his patent. If the patents were mailed, the Indians had to take them, and the government did not have the burden of holding them until the allottees acquiesced.<sup>34</sup>

Two Umatilla full bloods, Leo Sampson and Allen Patawa, pleaded with Lane not to issue their patents. Although a commission had determined that they were competent, they had refused to apply for fee patents. Patawa explained:

I know this reservation, and know all the lands, and I love it. I could not be happy any place else. I could not go to some place else and make a living as white people do. I do not wish to dispose of my allotment, and I do not wish to receive a patent in fee for my land here. . . . If I were compelled to take a patent in fee for my land and being a full blood Indian I might take a notion to sell my allotment, thinking that I would make more by selling it. If I were to do that I would surely lose my land and the money I received for it.<sup>35</sup>

Leo Sampson's reasoning was similar. Sampson worried about holding on to his allotment in the face of white land hunger and had no hopes for living peacefully among whites. They would try

32. U.S., Congress, House, Committee on Indian Affairs, *Indian Appropriation Bill, 1919*, Hearings on H.R. 8696, 65th Cong., 2d sess., 1918, p. 442; McLaughlin to Lane, 16 Sept. 1916, McLaughlin Papers (reel 7, frame 463); Thackery to Lane, 10 Apr. 1916, SI-CCF, 5-6, RG 48, NA.

33. Indian Office Memorandum to Mr. Schaffer, 15 Sept. 1916, H. A. Meyer to Lane, 23 June 1916, and Meyer to Edgar Meritt, 17 June 1916, SI-CCF, 5-6, RG 48, NA.

34. Meyer to McLaughlin, 16 June 1916, *ibid*.

35. Leo Sampson and Allen Patawa to Lane, 17 Apr. 1916, SI-CCF, 5-1, Indian Agencies, Umatilla, Patents, RG 48, NA.

to take his land, he said, and if he had a fee patent, he would surely dispose of it. Sampson added that the other Indians saw that he and Patawa were in danger of losing their land because the commission had labeled them competent, and these Indians had decided that it would be better to remain incompetent.<sup>36</sup>

Lane coolly replied that the commission had pronounced Sampson and Patawa competent. Its reports showed that Sampson, age thirty-one, was an official interpreter for the government at \$500 per year, "well-educated, industrious and frugal," with enough experience to justify a fee patent. Patawa, age thirty-six, owned one of the best farms on the reservation. Convinced of their competency, Lane refused to intervene.<sup>37</sup>

In February 1920, Lane was replaced by John Barton Payne, a former lawyer and judge, who took a more conservative stand toward issuing fee patents. As reports came in of the Indians selling their allotments and squandering the proceeds, Payne became alarmed and began to require more specific reports from the commission. He evaluated each application critically and rejected many of those that the commission had submitted. He often approved a fee patent for only part of the land mentioned in an application, for perhaps 160 of an Indian's 320 acres or 320 of 640 acres. On 30 November 1920, Payne abolished the competency commissions altogether and told the superintendents to take over the job of recommending Indians for patents, but to be very cautious. The Indians had to demonstrate that they could handle their own affairs, regardless of blood status.<sup>38</sup> Payne's change in policy, however, came too late to help the Indians who had already received fee patents.

Through the competency commissions, fee patents had been issued to Indians who did not want or were not qualified to receive them. Although they realized the devastating effects, Lane and Sells pushed fee patents because they believed the patentees would be forced to work to support themselves and would ultimately be better off than they would be if kept under

36. *Ibid.*

37. Lane to Sampson and Patawa, 19 April 1916, *ibid.*

38. McLaughlin to E. W. Jermak, 13 Mar. 1922 (frame 626), McLaughlin to Agnes G. Fredette, 5 Apr. 1921 (frame 422), McLaughlin to Charles L. Ellis, 24 Jan. 1921 (frame 365), McLaughlin to Charles E. Coe, 4 Feb. 1921 (frame 375), McLaughlin to Jane Peterson, 15 Feb. 1922 (frame 630), McLaughlin Papers (reel 13); Hubert Work to George Vaux, 13 Jan. 1921, Board of Indian Commissioners, Reference Material, Tray 140, Allotment, Records of the Bureau of Indian Affairs, RG 75, NA.

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guardianship. They believed their policy would ultimately promote assimilation and progress and were convinced that the government had to relieve itself of its trust responsibility at any cost. Under Sells and Lane, approximately twenty thousand patents were issued, covering over one million acres of land. Most of the patentees sold their land and became destitute. The competency commissions, therefore, contributed much to the general decline in the Indian estate between 1913 and 1920.



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